UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

DANIEL KLEEBERG, LISA STEIN, and AUDREY HAYS,

Plaintiffs,

 \mathbf{v} .

WENDY EBER, in her individual capacity and as Executrix u/w/o LESTER EBER; ALEXBAY, LLC f/k/a LESTER EBER, LLC; LUCIA GORDON GUMAER and PATRICK D. MARTIN solely in their capacities as Executors under the will of ELLIOTT W. GUMAER, JR.; and,

Defendants,

and

EBER BROS. & CO., INC.; EBER BROS. WINE AND LIQUOR CORP.; EBER BROS. WINE & LIQUOR METRO, INC.; EBER-CONNECTICUT, LLC; EBER-RHODE ISLAND, LLC; EBER BROS. ACQUISITION CORP.; EBER-METRO, LLC; SLOCUM & SONS OF MAINE, INC.; and CANANDAIGUA NATIONAL BANK & TRUST COMPANY,

Nominal Defendants.

Civil Action No. 16-CV-9517 (LAK)(KAP)

DECLARATION OF WALLACE CRUMB

1. I am the Chief Financial Officer and Chief Operating Officer of Eber-Connecticut, LLC ("Eber-CT"). I have held these positions since 2012. As such, I have access to Eber-CT's financial information, including past distributions and compensation paid to employees.

2. I reviewed Eber-CT's records and identified the following distributions made to Wendy Eber as a six-percent equity owner in Eber-CT:

	2022	2021	2018	2017	2013
Distribution	\$ 356,962 \$	549,015 \$	68,371 \$	2,500,000 \$	133,920
EBWLM	30,000	82,352	48,837	2,095,000	105,797
Wendy Eber		32,941	5,191	30,000	8,035
Eder Goodman	56,962	433,723	14,343	375,000	20,088

- 3. Attached as Exhibit "A" is a true and correct copy of Wendy Eber's W-2 for 2021 (with certain personal identifiers redacted).
- 4. Attached as Exhibit "B" is a true and correct copy of Wendy Eber's W-2 for 2022 (with certain personal identifiers redacted).
- 5. In addition, I reviewed our payroll system for 2023, to ascertain Wendy's compensation from Eber-CT since January 1, 2023. Excluding her automobile allowance, her gross pay in 2023 was \$91,338.80 through the date of her termination on March 31, 2023.
- 6. I do not now have, nor have I ever had, access to any payroll records for other Eber Bros. companies, such as Eber Bros. Wine and Liquor Corp., because Wendy kept such records separate from Eber-CT's files.

I declare under penalty of perjury that the foregoing is true and correct to the best of our knowledge, information, and belief.

Executed on April 17, 2023

Wallace Crumb

Exhibit A



Employee Reference Copy Wage and Tax Statement Copy C for employee's records Dept. Employer use only 001131 PITT/I1Y 001 A 32 Employer's name, address, and ZIP code EBER - CONNECTICUT 30 CORPORATE DRIVE NORTH HAVEN CT 06473 Batch #01798 e/f Employee's name, address, and ZIP code WENDY P. EBER yee's SSA number Employer's FED ID number me_tax_withheld Wages, tips, other comp. 439079.25 4 Social security tax withheld 3 Social security wages 8853.60 142800.00 6 Medicare tax withheld 5 Medicare wages and tips 465079.25 9129.36 8 Allocated tips Social security tips 10 Dependent care benefits 12a See instructions for box 12 11 Nonqualified plans D 26000.00 14 Other 12c 714,00 CTPL 10199,80 AUTO 12d 13 Statemp Ret. plan 3rd party sick pay 15 State Employer's state ID no. 16 State wages, tips, etc. 439079.25 3041811-000 CT 17 State Income tax 18 Local wages, tips, etc. 29499.09 20 Locality name 19 Local income tax

This blue section is your Earnings Summary which provides more detailed information on the generation of your W-2 statement. The reverse side includes instructions and other general information.

1. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

·	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	CT. State Wages, Tips, Etc. Box 16 of W-2
Gross Pav	467,803.27	467,803.27	467,803.27	467,803.27
Less 401(k) (D-Box 12)	26,000.00	N/A	N/A	26,000.00
Less Medical FSA	2,724.02	2,724.02	2,724.02	2,724.02
Wages Over Limit	N/A	322,279.25	N/A	N/A
Reported W-2 Wages	439,079.25	142,800.00	465,079.25	439,079.25

Note - Fringe benefits include : Co Car Personal Use-Full Value \$10,199.80

2. Employee Name and Address.



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Wages, tips, other comp. 439079.25	2 Federal income tax withheld 113645.32		
3 Social security wages 142800.00	4 Social security tax withheld 8853.60		
Medicare wages and tips 465079.25	6 Medicare tax withheld 9129.36		
d Control number Dept.	Corp. Employer use only		
001131 PITT/I1Y 00	1 A 32		
30 CORPORATE NORTH HAVEN	CT 06473		
Employer's FED ID number	a Employee's SSA number XXX-XX-5		
7 Social security tips	Allocated tips		
9	10 Dependent care benefits		
11 Nonqualified plans	12a See instructions for box 12 D 26000.00		
14 Other	12b		
714,00 CTPL	12c W X Y		
10199.80 AUTO	12d		
	13 Stat emp Ret. plan 3rd party sick pay		
e/f Employee's name, address	and ZIP code		
WENDY P. EBER	_		
	no. 16 State wages, tlps, etc. 439079.25		
CT 3041811-000	18 Local wages, tips, etc.		
17 State income tax 29499.09	to Local wages, ups, etc.		
17 State income tax	20 Locality name		

Statement

1 Wages, tips, other comp. 439079.25	2 Federal Income tax withheld 113645.32	1 Wages, tips, other comp. 439079.25	2
3 Social security wages 142800.00	4 Social security tax withheld 8853.60	3 Social security wages 142800.00	4
5 Medicare wages and tips 465079.25	6 Medicare tax withheld 9129.36	5 Medicare wages and tips 465079.25	6
d Control number Dept. 001131 PITT/I1Y 003	Corp. Employer use only A 32	d Control number Dept. 001131 PITT/I1Y 001	
c Employer's name, address, and the EBER - CONNE 30 - CORPORATE NORTH HAVEN		c Employer's name, address, a EBER - CONNEC 30 - CORPORATE NORTH HAVEN	
b Employer's FED ID number 7 Social security tips	a Employee's SSA number XXX-XX- Allocated tips	b Employer's FED ID number 7 Social security tips	*
9	10 Dependent care benefits	9	fo
11 Nonqualified plans	12a 26000.00	11 Nonqualified plans	12a
14 Other 714.00 CTPL 10199.80 AUTO	12b 12c 12d 13 Stat emp Ret. plan 3rd party slck pay	14 Other 714,00 CTPL 10199,80 AUTO	12b 12c 12d 13
e/f Employee's name, address a WENDY P. EBER	I X J	e/f Employee's name, address a WENDY P. EBER	nd Z
15 State Employer's state ID no CT 3041811-000	16 State wages, tips, etc. 439079.25	15 State Employer's state ID no CT 3041811-000	. 16
17 State Income tax 29499.09	18 Local wages, tlps, etc. 20 Locality name	17 State income tax 29499.09	18
CT.State R	eference Copy and Tax 2021	CT.State Fill Wage a Statem	nd ent

 Wages, tlps, other comp. 439079.25 	2 Federal income tax withheld 113645.32		
3 Social security wages 142800.00	4 Social security tax withheld 8853.60		
5 Medicare wages and tips 465079.25	6 Medicare tax withheld 9129.36		
d Control number Dept.	Corp. Employer use only		
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b Employer's FED ID number 7 Social security tips	a Employee's SSA number XXX-XX-S		
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9	to Dependent care benefits		
11 Nonqualified plans	12a D 26000.00		
14 Other 714.00 CTPL 10199,80 AUTO	12c 1 12d 1 13 Stat emp Ret. plan 3rd party sick		
e/f Employee's name, address a WENDY P. EBER	X and ZIP code		
15 State Employer's state ID no CT 3041811-000	439079.25		
17 State income tax 29499.09	18 Local wages, tips, etc.		
19 Local Income tax	20 Locality name		
W-2 CT.State Fi	and Tax 2021		

Exhibit B

2022 W-2 and EARNINGS SUMMARY



Employee Reference
Wage and Tax
Statement
Copy C for employee's records.
d Control number | Dept. | Corp. |

2022 OMB No. 1545-0008

Employer's name, address, and ZIP code

EBER - CONNECTICUT LLC 30 CORPORATE DRIVE NORTH HAVEN CT 06473

Batch #02440

e/f Employee's name, address, and ZIP code

WENDY P. EBER

b	Emplo	yer's FED ID number	a Employee's SSA number XXX-XX-
1	Wage	s, tips, other comp.	2 Federal income tax withheld
		312819.04	64827.35
3	Social	security wages	4 Social security tax withheld
		147000.00	9114.00
5	Medic	are wages and tips	6 Medicare tax withheld
		339819.04	6185.75
7 Social security tips		security tips	8 Allocated tips
9			10 Dependent care benefits
11 Nonqualified plans		ualified plans	12a See instructions for box 12 D 27000.00
_			12b
14	Other	735.00 CTPL	12c
		10199.80 AUTO	12d
			13 Stat emp Ret. plan 3rd party sick pay
15	State	Employer's state ID	no. 16 State wages, tips, etc.
	CT	3041811-000	312819.04
17	State	Income tax 20890.55	18 Local wages, tips, etc.
19	Local	income tax	20 Locality name

1 Wages, tips, other comp.
312819.04
2 Federal income tax withheld
64827.35
3 Social security wages
147000.00
5 Medicare wages and tips
339819.04
6 Medicare tax withheld
6185.75

Employer use only

Employer's name, address, and ZIP code

d Control number

001131 PITT/I1Y

EBER - CONNECTICUT LLC 30 CORPORATE DRIVE NORTH HAVEN CT 06473

Dept

001

b	Employer's FED ID number	a Employee's SSA number XXX-XX-9
7	Social security tips	8 Allocated tips
ō	History III	10 Dependent care benefits
11	Nonqualified plans	12a See instructions for box 12 D 27000.00
14 Olher	Olher	12b
	735.00 CTPL	12c
	10199,80 AUTO	12d
		13 Stat emp Ret, plan 3rd party sick pay

e/f Employee's name, address and ZIP code

WENDY P. EBER

	Employer's state ID 3041811-000	no. 16 State wages, tlps, etc. 312819.04
17 Stale	income tax 20890.55	18 Local wages, tips, etc.
19 Local	income tax	20 Locality name

Federal Filing Copy

Wage and Tax 2022

Statement
Copy B to be filed with employee's Federal Income Tax Return.

This blue section is your Earnings Summary which provides more detailed information on the generation of your W-2 statement. The reverse side includes instructions and other general information.

1. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	CT. State Wages, Tips, Etc. Box 16 of W-2
Gross Pay	342,618.98	342,618.98	342,618.98	342,618.98
Less 401(k) (D-Box 12)	27,000.00	N/A	N/A	27,000.00
Less Medical FSA	2,799.94	2,799.94	2,799.94	2,799.94
Wages Over Limit	N/A	192,819.04	N/A	N/A
Reported W-2 Wages	312,819.04	147,000.00	339,819.04	312,819.04

Note - Fringe benefits include : Co Car Personal Use-Full Value \$10,199.80

2. Employee Name and Address.

WENDY P. EBER

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1 Wages, tips, other co 31281		2 Federa	l income tax	withheld 1827.35
3 Social security wage 1470		4 Social	security tax	withheld 9114.00
5 Medicare wages and 33981		6 Medica	re tax withh	eld 5185.75
d Control number	Dept,	Corp	Employer	use only
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c Employer's name, address, and ZIP code

EBER - CONNECTICUT LLC 30 CORPORATE DRIVE NORTH HAVEN CT 06473

b	Employer's FED ID number	a Employe	oo's SS XX-XX	
7	Social security tips	8 Allocate	d tips	
9		10 Depend	ent care	benefits
11	Nonqualified plans	12a D	2	7000.00
14	Other	12b		
	735.00 CTPL	12c		
	10199.80 AUTO	12d		
		13 Stat emp	Ret. plan	3rd party sick pay

e/f Employee's name, address and ZIP code

WENDY P. EBER

15 State Employer's state ID no.	
CT 3041811-000	312819.04
17 State income tax	18 Local wages, tips, etc.
20890.55	
19 Local Income tax	20 Locality name

CT.State Reference Copy
Wage and Tax
Statement
Copy 2 to be filed with employee's State Income Tax
Return.

1 Wages, tips, other comp. 312819.04			2 Federal income tax withheld 64827.35				
3 Social security wages 147000.00			4 Social security tax withheld 9114.00				
5 Medicare wages and tips 339819.04			Medicare tax withheld 6185.75				
d Control number	Dept	Г	Corp	Employer	use only		
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c Employer's name, address, and ZIP code

EBER - CONNECTICUT LLC 30 CORPORATE DRIVE NORTH HAVEN CT 06473

b	Employer's FED ID number	a Employee's SSA number 8 Allocated tips 10 Dependent care benefits			
7	Social security tips				
9					
11	Nonqualified plans	12a D 27000.00			
14	Other 735.00 CTPL 10199,80 AUTO	126			
		12c			
		12d			
		13 Stat emp Ret. plan 3rd party sick pa			

e/f Employee's name, address and ZIP code

WENDY P. EBER

15	State	Employer's 3041811 -	state	ID no.	16	State	wages,	tips, etc.
С	T	3041811-	000					312819.04
17	Stale	income tax			18	Local	wages,	tips, etc.
		20	890.	55				
19	Local	Income tax			20	Local	ity nam	8
					ı			

CT.State Filing Copy
Wage and Tax
Statement
Copy 2 to be filed with employee's State income Tax
Return.

Copy 2 to be filed with employee's State income Tax
Return.